

2877



Attorney Docket No. 49481 (70551)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: M. HATANAKA et al. **EXAMINER:** P. Natividad
U.S.S.N.: 09/471,829 **ART UNIT:** 2877
FILED: December 23, 1999
TITLE: THICKNESS MEASUREMENT APPARATUS OF THIN FILM USING
LIGHT INTERFERENCE METHOD

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 22, 2003.

By: 
Donna R. Davis

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. **LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION**

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto. The citation of this information by Applicant(s) is not necessarily an admission that the information (1) qualifies as prior art by virtue of its date of publication/availability, or that (2) the information is relevant to the patentability of this application.

II. COPIES

- a. X Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. This application relies, under 35 U.S.C. § 120, on the earlier filing date of prior application Serial No. , filed on . The following references were submitted to, and/or cited by, the Office in the prior application (s) and, therefore, are not required to be provided in this application.

III. CONCISE EXPLANATION OF THE RELEVANCE

- a. X Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. X A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

An English language translation is provided for a Japanese office action that was mailed on November 25, 2003 and that was issued in connection with Japanese counterpart application H11-195925. The Japanese office action is identified as "CA" on the enclosed Form PTO-1449.

An English language abstract is attached for two of the references (identified as "BA" and "BB" on enclosed Form PTO-1449) that were cited in the November 25, 2003 Japanese office action. The English language abstract for the "BA" reference indicates the "Purpose" and "Constitution," and the English language abstract for the "BB" reference indicates the "Problem to the Solved" and the "Solution."

- c. X The following additional information is provided for the Examiner's consideration:

The November 25, 2003 office action also cites Japanese Patent Application No. 61-165608; however, that application was previously made of record in Applicant's September 30, 2003 Information Disclosure Statement.

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)

- a. _____ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1). No fee or certification is required.
- b. _____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2). No fee or certification is required.
- c. _____ Before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. _____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. §1.17(p).
- or
- b. X See the certification below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. X each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or

- b. _____ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. _____ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

_____ Please charge Deposit Account No. 04-1105 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

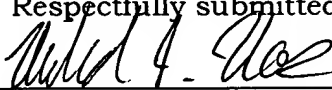
 X No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule, with a petition if necessary, and charge the appropriate fee to Deposit Account No. **04-1105**.

Respectfully submitted,

Date: December 22, 2003

By: _____

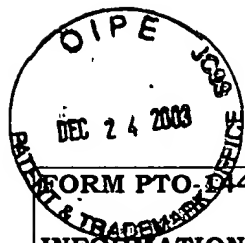


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FORM PTO-0149

**INFORMATION DISCLOSURE
STATEMENT**

DOCKET NO.:

70551-49481

SERIAL NO.:

09/471,829

APPLICANT(S):

M. Hatanka et al.

FILING DATE:

December 23, 1999

GROUP NO.:

2877

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UNITED STATES PATENT DOCUMENTS

| EXAM. INITIALS | | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB- CLASS | FILING DATE IF APPROPRIATE |
|-------------------|----|--------------------|------|------|-------|---------------|----------------------------------|
| | AA | | | | | | |
| | | | | | | | |

FOREIGN PATENT DOCUMENTS

| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUB- CLASS | TRANSLATION YES/NO |
|--|----|--------------------|------------|---------|-------|---------------|-----------------------|
| | BA | 63-44106 | 25.02.1988 | JAPAN | G01B | 11/06 | Yes (Abstract) |
| | BB | 11-160030 | 18.06.1999 | JAPAN | G01B | 11/06 | Yes (Abstract) |
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OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)

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| | CA | Office Action and an English language translation of the Office Action. The Office Action was mailed on November 25, 2003 in connection with counterpart Japanese Patent Application No. H11-195925. |
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EXAMINER:

DATE: